IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

WP(C).No. 18157 of 2007(J)

PETITIONERS:

1. SUKUMARAN NAIR, ANJALI, THENNUR MULA VILAKOM, UPANIYOOR DESOM, VELLAYANI KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.

2. LALITHA KUMARI, W/O.SUKUMARAN NAIR, ANJALI, THENNURMULA VILAKOM, UPANIYOOR DESOM, VELLAYANI, KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.

BY ADV. SRI.D.KISHORE

RESPONDENTS:

1. THE KALLIYOOR GRAMA PANCHAYATH, REPRESENTED BY ITS PRESIDENT, KALLIYOOR, THIRUVANANTHAPURAM.

2. THE SECRETARY, KALLIYOOR GRAMA PANCHAYATH, THIRUVANANTHAPURAM.

3. SAROJINI, SAROJA BHAVAN, THENNU MULA VILAKOM UPANIYOOR DESOM, VELLAYANI, KALLIYOOR VILLAGE, THIRUVANANTHAPURAM.

R3 BY ADV. SRI.K.P.RAJEEVAN
R1 & R2 SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
SRI.P.RAVEENDRAN PILLAI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.18157/07

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF COMPLAINT DT.18.5.07 SUBMITTED BY 1ST PETR. BEFORE R2.

EXT.P2 – TRUE COPY OF RECEIPT EVIDENCING ACKNOWLEDGMENT OF EXT.P1.

EXT.P3 – TRUE COPY OF COMMN. REPORT IN O.S.817/07 DT.4.6.07

/TRUE COPY/

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.18157 OF 2007

.....

DATED THIS THE 24TH SEPTEMBER, 2007

J U D G M E N T

Sri.D.Kishore, counsel for the petitioners submits that the petitioners are confining their prayers to one for a hearing and disposal of Ext.P1 which, according to the learned counsel, is a statutory representation. Sri.K.P.Rajeevan, counsel for the party-respondent opposes. He submits that the issue is already before the civil court and the civil suit has reached the final stage. However, considering the situation that Ext.P1 is a statutory representation, I dispose of the Writ Petition issuing the following directions:-

The Secretary of the Panchayat will take up Ext.P1, hear the petitioners as well as the 3rd respondent and take a correct decision on Ext.P1 at the earliest and at any rate within six weeks of receiving copy of this judgment. It is open to the 3rd respondent to point out to the 2nd respondent-Secretary that the civil court is already in seisin of the matter and the civil court has rejected the prayer for prohibitory injunction. The interim order presently passed will continue till such time as Ext.P1 is decided by the Secretary.

(PIUS C.KURIAKOSE, JUDGE)

tgl